

REMARKS**Examiner Interview**

Applicant's representative wishes to thank the Examiner for the courtesy of a telephone interview on June 29, 2010. During the interview, the Examiner and the undersigned discussed the purposes, structures and functions of the Ehrnsperger device and the device of the present invention. The Examiner and the undersigned appeared to agree that there are differences between Ehrnsperger and the invention disclosed in the present specification, and discussed ways that the claims might better reflect those differences. In particular, the undersigned noted that the dissolvable layer of Ehrnsperger is described as dissolving only upon contact with urine or feces, but that the uncontacted portions of the dissolvable layer of Ehrnsperger is described as remaining intact, so as to prevent urine and feces from traversing the layer in the direction of the wearer. In contrast, the topmost layer of the invention disclosed in the present specification is described as absorbing water at relative humidity of 30% or 50% (far lower than the 100% humidity of liquid urine), and that the topmost layer of the present invention becomes fluidized, and therefore cannot serve to prevent urine or fluid from migrating back toward the wearer's skin. Accordingly, the undersigned proposed to amend the claims to better reflect these differences.

35 USC 103

Claims 8, 11, 16 and 17 have been rejected under 35 USC 103(a) as obvious over U.S. Patent No. 6,160,200 to Ehrnsperger, et al. in view of U.S. Patent 4,704,402 to Maeda, et al. Applicant respectfully requests reconsideration and withdrawal of this rejection in view of the amendments and remarks herein.

Ehrnsperger discloses an absorbent article having a "directionally preferential waste passage member." This directionally preferential waste passage member is disclosed as a water activated barrier sheet configured to allow urine and feces to pass by dissolving when contacted by urine or feces, but which prevents passage of urine and feces in the opposite direction in those areas which

have not been dissolved. According to the specification of Ehrnsperger, a portion of the body facing surface of the waste passage member includes a soluble material capable of dissolving when contacted by bodily exudates so as to permit the bodily exudates to pass through the waste passage member. In addition, at least a portion of the garment facing surface of the waste passage member includes a barrier material which resists penetration by said bodily exudates.

In contrast, the support layer of the present invention is not designed to preferentially allow passage of exudates in only one direction. Instead, the support layer of the present invention is intended to cover the layer of the skin protecting ingredient until the absorbent article is placed on the wearer. The claims have been amended to make clear that the support layer absorbs water at a relative humidity of 30% and becomes fluidized. When the absorbent article of the present invention is placed on the wearer, the temperature of the article is raised, and the relative humidity of the article is raised, by its proximity to the wearer's skin. When the relative humidity reaches 30%, the support layer of the present invention absorbs water and becomes fluidized, thus allowing the skin protecting ingredient to be presented to the wearer's skin. By virtue of the support layer becoming fluidized, it does not serve to prevent bodily exudates from migrating from the absorbent core to the wearer's skin. New claims 18-19 further distinguish the present invention from Ehrnsperger by reciting limitations that make clear that the support layer is not treated to be directionally preferential. New claim 20 replaces a limitation deleted from claim 8. New claim 21 is identical to amended claim 8 except that the relative humidity recited is 50% instead of 30%.

Accordingly, the invention as set forth in the amended claims is different, in both function and structure, from the absorbent article described in Ehrnsperger. For these reasons, reconsideration and withdrawal of the outstanding rejection is considered proper and such action is respectfully requested.

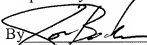
In view of the above, each of the claims in this application is in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding

rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **577552001400**.

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